

Message

From: Keller, Lynn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=08038B86D66A47D3AACA8BEE1A63A5A7-LKELLER]
Sent: 6/14/2016 11:37:03 PM
To: Fennessy, Christopher [christopher.fennessy@Rocket.com]
Subject: RE: CAMU language from AR re continual site use

Thanks, Chris!

Lynn M. Keller, EL, PMP
US EPA Region 9 RPM
75 Hawthorne St, SFD 7-1
San Francisco, CA 94105
415-947-4162

From: Fennessy, Christopher [mailto:christopher.fennessy@Rocket.com]
Sent: Monday, June 13, 2016 2:53 PM
To: Keller, Lynn <Keller.Lynn@epa.gov>
Subject: RE: CAMU language from AR re continual site use

Hi Lynn - Paragraph 11 identifies the restrictions on land use. It says Aerojet's lands in Exhibits I-1, I-5, I-6, and I-7 are affected by the decree. Subsections 11B, 11C, and 11E describe how the lands are affected.

Paragraph 11B states that Aerojet will not make any of the following uses on any land described in Exhibit I-6 without first obtaining approval from DHS:

- a. Build or use any structure as
 - i. Residence
 - ii. hospital for humans
 - iii. school for anyone under 21
 - iv. a day care facility for children
 - v. any permanently occupied human habitation or other than those used for industrial purposes
- b. Any new use of the land other than the use, modification, or expansion of an existing industrial or manufacturing facility complex.

Paragraph 11C states that Aerojet shall not construct any building or structure on any land described in Exhibit I-7 if the construction requires excavation, grading or removal of more than 10 cubic yards of soil, without first giving notice to and obtaining prior approval of DHS or alternatively, a determination of the Court favorable to Aerojet pursuant to Subparagraph 11D. The restrictions in this Subparagraph shall not apply to:

- a. Maintenance activities
- b. Activities taken within an existing building or structure to the extent that such activities are necessary to change such building or structure to meet Aerojet's operational needs
- c. Activities undertaken pursuant to provisions of this Decree.

Paragraph 11E states Aerojet will not grant any possessory interest in the land described in Exhibits I-1 or I-5 without first giving notice to the California Attorney General and the United States.

Based upon my read of these restrictions, since the landfill is an existing use and AR is not granting possessory interest, notification and approval is only required if the landfill is located within I-7 lands. The PCD exhibit for I-7 lands is attached. Of the locations submitted, the only ones that are within I-7 lands are B and C. Of course, Aerojet Rocketdyne maintains a good working relationship with the Agencies and proactively notifies the Agencies of our intentions, whether required by the Decree or not.

Let me know if USEPA interprets the PCD differently. Thanks, Chris

Christopher M. Fennessy, P.E.
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From: Keller, Lynn [<mailto:Keller.Lynn@epa.gov>]
Sent: Monday, June 13, 2016 10:02 AM
To: Fennessy, Christopher
Subject: [EXTERNAL] CAMU language from AR re continual site use

Hi, Chris.

When you get a chance could you please email me the phrase we discussed on the phone regarding AR's proposed use of an on-site CAMU to assist with continuing operations? That might help us try to figure out the best course of action here, and we want to evaluate whether we can justify use of a CAMU like AR would like to or if that won't be allowed without a decision document.

I received the Area 40 RI supplement report also; thank you.

Have a good one,
Lynn

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